

REMARKS

Responsive to the Office Action mailed May 14, 2008, Applicant provides the following. Claims 17, 22, 24 and 41 are currently being amended, and no claims are currently being canceled or added. Claims 15-16, 18-21, 23 and 42 were previously canceled without prejudice. Therefore, claims 1-14, 17, 22 and 24-41 are currently pending in the application. Reconsideration of the pending claims in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Petition for Extension of Time

Applicant has submitted herewith a Petition and Fee for a Three-Month Extension of Time to extend the period for response to November 14, 2008.

Allowable Subject Matter

Applicant would like to thank the Examiner for indicating that claims 1-14, 27, 29, 31, 33, 35 and 40 are allowed. (Office Action mailed 5/14/08, Office Action Summary, and page 3).

Applicant notes that the Examiner appears to have inadvertently stated at the bottom of page 2 to the top of page 3 of the office action that claims 13 and 29 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form. (Office Action mailed 5/14/08, bottom of page 2 to top of page 3). Applicant assumes that this is incorrect and that claims 13 and 29 are allowed since they depend from allowed claim 4.

The Office Action indicates that claim 30 is directed toward allowable subject matter and would be allowable if rewritten in independent form. Applicant respectfully requests that this matter be held in abeyance until the remarks and amendments presented herein have been considered.

Claim Rejections - 35 U.S.C. §112

In the present Office Action there is no heading indicating that there are any rejections under 35 U.S.C. 112. Furthermore, as mentioned above claims 1 and 40 are included in the group of claims that have been allowed. However, on page 14 of the Office Action the Examiner states that claims 1, 17, 40, and 41 have been rejected under 35 U.S.C. 112, first paragraph. (Office Action mailed 5/14/08, page 14).

On May 23, 2008, the undersigned attorney of record spoke to the Examiner via telephone regarding this apparent inconsistency in the Office Action. The Examiner indicated that the language at issue on page 14 of the Office Action is a mistake and that there are no rejections under 35 U.S.C. 112, first paragraph. That was the only issue discussed in the telephone call, and the discussion was purely administrative in nature. No substantive issues were discussed.

Claim Rejections - 35 U.S.C. §103

Claims 17, 22, 24-26, 28, 32, 34, 36 and 41:

Claims 17, 22, 24-26, 28, 32, 34, 36 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Document JP 09-035040 (Seki). Applicant respectfully traverses these rejections.

Applicant has amended independent claim 17 to recite “forming new moving pictures by sequentially outputting at least the first and second frames formed in said synthesizing along a time axis.” This amendment is supported by Applicant’s original disclosure at least by Applicant’s original claims 1, 4, 5, 6, and 40, and Paragraphs [0035] and [0052] of the published version of Applicant’s application (i.e., U.S. Pub. No. 2004/0130637 A1). Independent claims 22, 24 and 41 have been amended in a similar manner.

Applicant asserts that this amendment further clarifies the differences between Applicant’s claim 17 and Seki’s Paragraph [0015], lines 1-5, which is referred to by the Examiner. (See Office Action mailed 5/14/08, bottom of page 6 to top of page 7). Specifically, the Examiner admits that “Seki does not specifically teach forming new moving images by sequentially outputting frames formed in the synthesizing”. (Office Action mailed 5/14/08, bottom of page 6). As such, the

Examiner asserts that Applicant's claimed feature would have been obvious to one skilled in the art based on Seki's Paragraph [0015], lines 1-5. Applicant respectfully disagrees for the following reasons.

First, because Seki does not teach forming new moving images by sequentially outputting frames formed in the synthesizing (as admitted by the Examiner), Seki certainly does not teach "forming new moving pictures by sequentially outputting at least the first and second frames formed in said synthesizing along a time axis", as is now recited in Applicant's amended independent claim 17. This is because Seki simply fails to disclose the output of moving pictures along a time axis.

Furthermore, Seki actually teaches away from the output of moving pictures along a time axis. This is because Seki's disclosure is directed toward outputting a single still image. Seki's Paragraph [0015] says nothing about generating moving pictures. Instead, that paragraph merely states that "the trace cross-sectional image" may be obtained for each of plural objects. Applicant asserts that in the context of the Seki's whole document, "the trace cross-sectional image" means a single still image. There is nothing in Seki that teaches or suggests how the single images might somehow be made into moving pictures, and there is certainly nothing in Seki that teaches or suggests the output of moving pictures along a time axis.

Based on Seki's paragraph [0015], the Examiner asserts "whereby a special effect may then be visualized showing the movement of several objects present in the sequence of images." (Office Action mailed 5/14/08, top of page 7). Applicant disagrees because this assertion by the Examiner simply does not follow from Seki's paragraph [0015]. Applicant asserts that the described special effect is an unsupportable conclusion made by the Office Action. As explained above, Seki's method is for generating an object trace, not a special effect. And again, Seki's disclosure is directed toward outputting a single still image. Seki's single mention of generating a trace image for each object is nothing more than outputting a single still image for each object. There is nothing in Seki that discloses or suggests outputting moving pictures.

Therefore, because Seki's disclosure is directed toward outputting a single still image, Seki teaches away from "forming new moving pictures by sequentially outputting at least the first and second frames formed in said synthesizing along a time axis", as is now recited in Applicant's amended independent claim 17. This means that the claimed feature would not have been obvious to

a person of ordinary skill in the art. As such, the rejections of amended independent claims 17, 22, 24 and 41 should be withdrawn. Furthermore, the rejections of claims 25-26, 28, 32, 34 and 36 should also be withdrawn for at least these same reasons due to their dependence on their respective independent claim.

Claims 37-39:

Claims 37-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Seki in view of Fels et al., entitled “Techniques for Interactive Video Cubism”. Applicant respectfully traverses these rejections.

Claims 37-39 depend from amended independent claim 22. Therefore, the rejections of claims 37-39 should also be withdrawn for at least the same reasons provided above due to their dependence on amended independent claim 22.

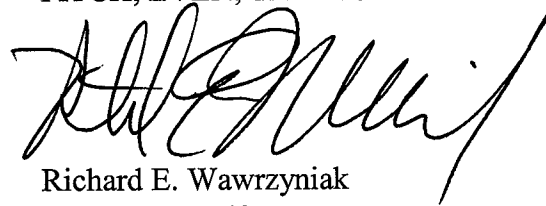
CONCLUSION

Applicant submits that the amendments and remarks presented herein place all pending claims in condition for allowance and early notification of the same is respectfully requested.

Dated: 11/13/08

Respectfully submitted,

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